

REMARKS

Applicant's remarks are preceded by related comments from the Examiner (shown in small bold-faced type).

Claim Rejections - 35 USC § 112

3. Claims 12-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 3, the phrase "a display and a Graphic User Interface (GUT)" is not clear. Applicant's descriptive portion of the specification, e.g. Figs. 1, 30, are not clear as to how the display and GUI are different or the same feature.

The undersigned notes that claim 1 is not currently pending before the Office and assumes that the Examiner intended to reference claim 12.

Generally speaking, the term "display", as used in the current application, refers to a hardware device on which information is conveyed to a user (e.g., a CRT or LCD device) while a graphical user interface (GUI) refers to a mechanism for presenting information on such a display using, e.g., icons, images, and text. It is recognized that some "of skill in the art" speak of these items separately, while, in certain contexts, others may refer to "GUI" as inclusive of a display device. The Examiner's rejection suggests that the Examiner is viewing the GUI as comprising the "display" hardware. In accordance with this view, the claims have been amended to remove the redundant term "display." The undersigned notes that this does not change the scope of the invention.

Claim 1, line 5, the phrase "for display" is not clear. Applicant claims "a display" from line 3, but the line 5 does not appear to be in reference the line 3 "display" limitation.

Claim 1, line 5, the phrase "the item" is not clear. Applicant claims a plurality of "items" from line 2, but no singular use of "item" is previously referenced.

Claim 1, line 5, the phrase "for display" is not clear. Applicant claims "a display" from line 3, but the line 5 does not appear to be in reference the line 3 "display" limitation.

The undersigned respectfully submits that the foregoing grounds for rejection are moot in light of clarifying amendments made to claim 12.

Claim 1, line 7, the phrase "for ones of" is not clear.

The phrase "for ones of" is not used at line 7 of claim 12. Did the Examiner intend to refer to the phrase "means for selecting ones of the predetermined images"? If so, the undersigned is uncertain as to

why the Examiner states this is not clear. Further clarification from the Examiner is respectfully requested and the undersigned invites to Examiner to call the undersigned with a clarification.

Claim Rejections - 35 USC § 103

4. Claims 12-21, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, US 6,580,440, in view of Zhu, US 6,577,983.

Wagner discloses a price look up (PLU) and graphical user interface (GUI), e.g. Fig. 2A, for self-checkout. Wagner does not disclose self-checkout of non-bar coded items.

Zhu discloses a self-checkout of non-bar coded items comprising a processing unit comprising a data field of items.

To have provided the GUI to display non-bar coded items for Wagner would have been obvious to one of ordinary skill in the art in view of Zhu. The motivation for doing such would be incorporating additional PLU items associated with a GUI in a self-checkout environment so as to ascertain appropriate sale records of inventory and what products are being sold.
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The Examiner's rejection is respectfully traversed at least for the reason that neither Wagner nor Zhu, alone or together, disclose or suggest an apparatus for self-checkout of non-bar coded items that includes a processing unit that maintains a list of most frequently sold items and a GUI that provides a display of a plurality of images corresponding to non-bar coded items and where at least one of the plurality of images is selected for display on the GUI based on the selected image's corresponding non-bar coded item being a member of the list of most frequently sold items.

Although Wagner discloses a graphical user interface, Wagner's interface is not used in a self-checkout context nor does Wagner teach or suggest an apparatus that can provide for "display of a plurality of images corresponding to non-bar coded items and where at least one of the plurality of images is selected for display on the GUI based on the selected image's corresponding non-bar coded item being a member of the list of most frequently sold items" as recited by claim 12.

The Zhu reference, on the other hand, is directed to produce recognition in a checkout system. The Zhu reference discloses that produce may be recognized using a visual identification system (i.e., through the capture and analysis of visual information indicative of the produce item). Zhu, like Wagner, fails to teach or suggest "display of a plurality of images corresponding to non-bar coded items and where at least one of the plurality of images is selected for display on the GUI based on the selected image's corresponding non-bar coded item being a member of the list of most frequently sold items" as recited by claim 12.

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It is noted that the Examiner, in his comments, has not suggested that either Wagner or Zhu teach or suggest the "display of a plurality of images corresponding to non-bar coded items and where at least one of the plurality of images is selected for display on the GUI based on the selected image's corresponding non-bar coded item being a member of the list of most frequently sold items". It is well-settled that, to sustain a rejection under 35 U.S.C. 103, the Examiner has the burden to show that all elements of the rejected claim were known in, or obvious from, the prior art. The undersigned respectfully submits that the Examiner's burden has not been met because the aforementioned element of claim 12 has not been shown in the combination of Wagner and Zhu.

For at least the reasons stated above, the Examiner's rejection of claim 12 under 35 U.S.C. § 103(a) in light of Wagner and Zhu is not supported. Accordingly, it is respectfully requested that the Examiner withdraw his rejection and allow the claim.

Claims 13-21 depend from claim 12 and are patentable for at least the same reasons stated with respect to claim 12.

CONCLUSION

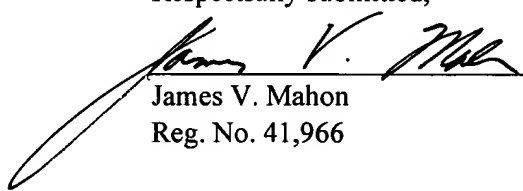
Claims 12-21 are now pending and believed to be in proper form for allowance.

Please apply any credits or excess charges to our deposit account number 50-0521.

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Respectfully submitted,


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